

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**Date of decision: 19.09.2019**

**1. CR No.5521 of 2019**

**M/s Super Seals India Limited**

**...Petitioner**

**Versus**

**The State of Haryana and others**

**...Respondents**

**2. CR No.5540 of 2019**

**M/s Super Seals India Limited**

**...Petitioner**

**Versus**

**The State of Haryana and others**

**...Respondents**

**CORAM:HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Adarsh Jain, Advocate,  
for the petitioner.

Mr. R.K.S. Brar, Addl. A.G., Haryana.

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**Ritu Bahri, J.**

This order shall dispose of CR No.5521 of 2019 and CR No.5540 of 2019 as common questions of law and facts are involved in both the petitions. For reference, facts are being taken up from CR No.5521 of 2019.

Challenge in these petitions is to the order(s) dated 25.07.2019 passed by the Reference Court at Faridabad (Addl. District Judge, Faridabad), whereby reference under Section 18 of the Land Acquisition Act, 1894 (for short 'the Old Act, 1894), after recording evidence of both the parties, have now been returned on the ground that the Old Act of 1894

has since been repealed by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the New Act, 2013) and reference under Section 64 of the New Act, 2013 would be maintainable.

Section 18 of the Old Act, 1894 is reproduced as under:-

“18.       **Reference To Court.--** (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall stated the grounds on which objection to the award is taken:

Provided that every such application shall be made,-

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under Section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire.”

Section 64 of the New Act, 2013 deals with the reference to the authority after the award is passed, which reads as under:

“64.       **Reference to Authority.-** (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2)       The application shall state the grounds on which objection to the

award is taken:

Provided that every such application shall be made-

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award.

(b) in other cases, within six weeks of the receipt of the notice from the Collector under Section 21, or within six months from the date of the Collector's award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.

This cause seeks to provide that any person who has not accepted the award may refer the matter to Land Acquisition, Rehabilitation and Resettlement Authority through the District Collector.”

After entertaining the reference, the procedure, as contemplated under Section 19 of the Old Act, 1894 and Section 65 of the New Act, 2013 has to be followed.

In the present case, after entertaining the reference under Section 18 of the Old Act, the procedure as contemplated under Section 65 of the New Act has been followed and only before passing of the final order, this reference has been returned back by giving liberty to the petitioner(s) to make reference under the New Act, 2013.

After receiving reference under Section 64 of the New Act, Reference Court has to determine the compensation by following the procedure under Section 23 of the New Act and determine the market value of the land and consider other factors as contained in Section 69 of the New Act. It is further observed that the procedures of the Old Act, 1894 and New Act, 2013 are materially different from each other.

This Court is of the view that even if, procedures are different, in the present case, petitioner/appellant has led evidence for enhancement of

the compensation and after leading such evidence, the Reference court is required to follow the procedure under the relevant provisions of the New Act, 2013.

Hence, in order to save time of the Court as well as the litigant, this Court suo motu proceeds to exercise powers under the revisional jurisdiction. Resultantly, the impugned order(s) dated 25.07.2019 are set aside and the reference under Section 18 of the Old Act of 1894 for enhancement of the compensation of the acquired land is being converted into the reference under Section 64 of the New Act of 2013. A direction is now being given to the Reference Court to proceed in accordance with the New Act of 2013 from the stage of recording the evidence. However, liberty is granted to the petitioner(s) to make any application, in accordance with law, for recalling of any other order, which has/have been passed with respect to the acquired land of Village Anangpur, H.B. No.2, Tehsil & District Faridabad.

Both the petitions i.e. CR No.5521 of 2019 and 5540 of 2019 are allowed accordingly.

19.09.2019  
ajp

(RITU BAHRI)  
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No